

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION III**

**MDL No. 2323
2:19-md-02323-AB**

THIS DOCUMENT RELATES TO:

**No. 2:12-md-02323-AB
MDL No. 2323**

**Rhett et al v. National Football League
et al**

Hon. Anita B. Brody

**BRANDON WINEY, only
v. National Football League, et al.,
No. 12-01416 (E.D.L.A.)**

**PRO SE PLAINTIFF BRANDON WINEY'S RESPONSE TO SHOW CAUSE
ORDER REGARDING RIDDELL PLAINTIFFS**

Pro Se Plaintiff Brandon Winey respectfully responds to the Honorable Judge Anita B. Brody's Orders dated March 11, 2022, E.D.P.A. No. 2:12-md-02323-AB, *In Re: National Football League Players' Concussion Injury Litigation*, ECF 11659 and E.D.P.A. No. 2:19-md-02323-AB, *In Re: National Football League Players' Concussion Injury Litigation III*, ECF 22, to show cause as to why players omitted from Exhibit 1 to these Orders should be included.

At some time prior to 2012 Plaintiff Winey received a letter addressed to his parents' house from the law firm Zimmerman Reed with information regarding a concussion lawsuit against the NFL. Plaintiff did not reside at his parents' home and did not know who "Zimmerman Reed" was and therefore took no action at that time.

Later Plaintiff was approached by attorney Derriel McCorvey regarding litigation against the NFL and Riddell. Plaintiff knew Mr. McCorvey from LSU since he played for the school prior to Plaintiff's time as a college athlete there. Because of this, Plaintiff

felt comfortable with Mr. McCorvey and retained him as counsel on April 18, 2012. On June 1, 2012, Mr. McCorvey filed *Rhett et al v. National Football League et al* in the Eastern District of Louisiana and Plaintiff was a part of this lawsuit that included claims against Riddell.

A few years later, Plaintiff received a call from Mr. McCorvey telling him he had been contacted by Zimmerman Reed stating that they had approached Plaintiff first and that Plaintiff was their client even though he had not signed a retainer agreement with them. Mr. McCorvey said that Zimmerman Reed told him that they would file an ethics complaint against him if he continued to represent Plaintiff. As a result, Mr. McCorvey terminated our agreement, and knowing no other counsel, Plaintiff signed a retainer agreement with Zimmerman Reed and remained with them through part of 2017. At that time Plaintiff felt no progress had been made regarding his concussion claim and terminated his agreement with Zimmerman Reed. He then hired Mokaram Law Firm (“Mokaram”) to represent him and while represented by Mokaram, Plaintiff received an award for Level 1.5 Neurocognitive impairment in June 2018. Plaintiff had no further interaction with the law firm until March 2022.

Shortly after Your Honor entered her Orders on March 11, Plaintiff saw a post on social media about those Orders. That was the first time Plaintiff became aware of the 2017 Order to submit a Short Form Complaint. At that time, Plaintiff was represented by Zimmerman Reed, and they never informed him of the Order, nor did Mr. McCorvey. Plaintiff is cognitively impaired and not well-versed in law, therefore he thought that he was still a Plaintiff in the Riddell litigation, since no one had told him otherwise.

Upon learning of Your Honor's Order, Plaintiff contacted Mokaram and requested that they address the Order on Plaintiff's behalf, but they declined, stating "they were not familiar with the Riddell litigation," and because of this, Plaintiff has been forced to proceed *pro se*.

Due to an attorney spat and through no fault of his own, Plaintiff was "dumped" by the attorney of his choice, who had filed the lawsuit Plaintiff had been a part of and was never informed this would impact his participation in the Riddell litigation.

THEREFORE, Plaintiff respectfully petitions this Court to add his name to "Exhibit 1" and permit his claims against Riddell to proceed. Plaintiff also requests that the Court accept his short-form complaint attached to this Response as "Exhibit A." Plaintiff has also submitted a copy of the original lawsuit he was a part of as "Exhibit B."

Date: 03/15/2022

Respectfully Submitted,

/s/ Brandon Winey

Brandon Winey

Pro Se

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